

MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
JACOB D. BUNDICK, ESQ.
Nevada Bar No. 9772
MICHAEL R. HOGUE, ESQ.
Nevada Bar No. 12400
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
bundickj@gtlaw.com
hoguem@gtlaw.com

*Counsel for Defendant
Allegiant Travel Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REBECCA BRATCHER, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ALLEGiant TRAVEL COMPANY,

Defendant.

Case No.: 2:20-cv-00767-APG-BNW

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DEFENDANT ALLEGiant TRAVEL
COMPANY TO FILE RESPONSIVE
PLEADING TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

[Second Request]

Defendant Allegiant Travel Company ("Allegiant"), by and through its undersigned counsel of record, the law firm of Greenberg Traurig, LLP, and Plaintiff Rebecca Bratcher ("Plaintiff"), by and through her undersigned counsel of record, the law firms of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, and Bursor & Fisher, PA, hereby stipulate and agree to extend the time for Allegiant to file an answer or other responsive pleading to Plaintiff's First Amended Complaint ("FAC"), up to and including thirty (30) days after the Court rules on the pending motion for an order consolidating *Herr v. Allegiant Air, LLC*, Case No. 2:20-cv-01002-RFB-NJK (D. Nev. 2020) (the "*Herr Action*") with this case. Good cause exists to grant this Stipulation, based on the following:

WHEREAS, on May 20, 2020, the Court Ordered, upon the parties' stipulation, that Allegiant's deadline to respond to Plaintiff's original Complaint was June 30, 2020 (ECF No. 15);

WHEREAS, on June 5, 2020, Plaintiff filed the FAC (ECF No. 16);

WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(3), Allegiant's current deadline to respond to Plaintiff's FAC remains June 30, 2020;

WHEREAS, on June 5, 2020, Plaintiff also filed a motion for an order consolidating the *Herr* Action with this case (ECF No. 17) (the "Consolidation Motion");

WHEREAS, like this case, the *Herr* Action is a putative class action pending in the District of Nevada that concerns consumer refunds on Allegiant flights, as a result of the COVID-19 pandemic;

WHEREAS, on June 19, 2020, Allegiant filed a response to the Consolidation Motion, indicating that it did not oppose consolidation with the *Herr* Action because consolidation will promote efficiency, given the overlapping claims and proposed classes;

WHEREAS, if the Consolidation Motion is granted, the parties anticipate a consolidated complaint will be filed that supersedes Plaintiff's FAC;

WHEREAS, to proceed efficiently and orderly, the parties met and conferred in good faith, and agreed that Allegiant's response to Plaintiff's claims should follow a decision on the Consolidation Motion and the filing of a consolidated complaint, if consolidation is ordered;¹

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Allegiant, subject to the Court's approval, that:

(1) The deadline for Allegiant to respond to Plaintiff's FAC shall be extended until thirty (30) days after the Court rules on the pending Consolidation Motion, as follows:

(a) If the Court grants the Consolidation Motion and orders that a consolidated complaint be filed, then Allegiant's response to that consolidated complaint shall be due thirty (30) days after its filing;

¹The parties also advise the Court that this case and the *Herr* Action are the subject of a motion to transfer both cases, along with dozens of other COVID-19 airline ticket refund cases, pending before the Judicial Panel on Multi-District Litigation (MDL No. 2957) (the "MDL Transfer Motion"). The MDL Transfer Motion seeks transfer to the Northern District of Illinois. Responses to the MDL Transfer Motion are due on July 9, and replies are due on July 16.

(b) In the event of denial of the Consolidation Motion, Allegiant's response to Plaintiff's FAC shall be due thirty (30) days after entry of an Order issuing such a denial.

IT IS SO STIPULATED.

DATED this 25th day of June, 2020.

DATED this 25th day of June, 2020.

GREENBERG TRAURIG, LLP

**WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP**

/s/ Jacob D. Bundick, Esq.

/s/Yeremey Krivoshey

MARK E. FERRARIO, ESQ.

DON SPRINGMEYER, ESQ.

Nevada Bar No. 1625

Nevada Bar No. 1021

JACOB D. BUNDICK, ESQ.

JORDAN BUTLER, ESQ.

Nevada Bar No. 9772

Nevada Bar No. 10531

MICHAEL R. HOGUE, ESQ.

3556 E. Russell Road, 2nd Floor

Nevada Bar No. 12400

Las Vegas, Nevada 89120

10845 Griffith Peak Drive, Suite 600

BURSOR & FISHER, P.A.

Las Vegas, Nevada 89135

Yeremey Krivoshey, Esq. (Admitted *Pro Hac Vice*)

Counsel for Defendant

1990 North California Blvd., Suite 940

Allegiant Air Travel

Walnut Creek, CA 94596

BURSOR & FISHER, P.A.

Andrew J. Obergfell, Esq. (Admitted *Pro Hac Vice*)

Max S. Roberts, Esq. (Admitted *Pro Hac Vice*)

888 Seventh Avenue, Third Floor

New York, NY 10019

Counsel for Plaintiff Rebecca Bratcher

ORDER

IT IS SO ORDERED.

DATED this 30 day of June, 2020.



UNITED STATES DISTRICT JUDGE /
UNITED STATES MAGISTRATE JUDGE